



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,062	01/29/1999	THOMAS GRAF	2565/45	6866

26646 7590 06/10/2002

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

CHOI, STEPHEN

ART UNIT

PAPER NUMBER

3724 --

DATE MAILED: 06/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/240,062

Applicant(s)

GRAF ET AL.

Examiner

Stephen Choi

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. In response to Applicant's remarks regarding IDS filed on 14 September 2000, the reference EP 0473064 has been considered, and a copy of IDS indicating as such was mailed on 01 March 2002 along with the advisory action.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification:

Page 1, lines 21-22, ", hereby incorporated by reference herein," has been deleted.

The above change is made by the examiner's amendment in lieu of a notice of non-responsive amendment indicating non-compliance to 37 CFR 1.121 in order to expedite the prosecution process. See Applicant's reply of Paper No. 17.

Claim Objections

3. Claim 5 is objected to because of the following informalities: "the partial bundles" recited in claim 5 appears to be unbound as is in claim 1, however, the examiner respectfully suggests to be recited as --the unbound partial bundles-- in order to be consistent with the terms used in Claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Koehler (US 1,965,464).

Koehler discloses all the positively recited steps of the invention including:

- a) transporting a fiber bundle using at least one feed element (e.g., 52, 53);
- b) cutting the fiber bundle strand into unbound partial bundles, the unbound partial bundles having a length (e.g., 74, 75);
- c) releasing the unbound partial bundles from the at least one feed element (e.g., page 2, lines 72-81);
- d) gripping the unbound partial bundles using at least one gripping element (e.g., 65, 66);
- e) releasing the unbound partial bundles from the at least one gripping element (e.g., page 2, lines 82-92);
- f) placing the unbound partial bundles in a first collection trough of a collection device (e.g., 26).

It is noted that the claim does not require the recited steps to be performed sequentially or in a particular order such that it does not preclude some steps being

performed simultaneously. Furthermore, the term "bundle" is usually defined as a group of things fastened together, however, the term "bundle" is understood as a loose structure (i.e., not fasten by any means) since the applicant appears to define as such in his own disclosure.

Allowable Subject Matter

6. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The limitations reciting a step of rotating the collection device after the first collection trough is filled with the unbound partial bundles and placing the unbound partial bundles in a further collection trough is not anticipated or made obvious by the prior art in the Examiner's opinion. For instance, Koehler shows steps of transporting a fiber bundle using at least one feed element, cutting the fiber bundle strand into unbound partial bundles, releasing the unbound partial bundles from the at least one feed element, gripping the unbound partial bundles using at least one gripping element, releasing the unbound partial bundles from the at least one gripping element, and placing the unbound partial bundles in a first collection trough of a collection device. However, Koehler does not teach the step of rotating the collection device after the first collection trough is filled with the unbound partial bundles and placing the unbound partial bundles in a further collection trough. Instead, Koehler teaches a step of bounding partial bundles before rotating the collection device.

R s p n s e t o A r g u m e n t s

8. Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.

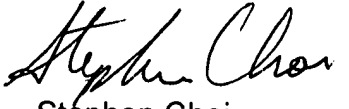
C o n c l u s i o n

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bush et al. and Rodermund et al. are cited to show related devices.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Choi whose telephone number is 703-306-4523. The examiner can normally be reached on Monday thru Friday between 9am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

SC
June 6, 2002


Stephen Choi
Patent Examiner
A.U. 3724